



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 3, 1998

Captain Robert Taylor  
Amarillo Police Department  
200 East 3<sup>rd</sup>  
Amarillo, Texas 79101-1514

OR98-1824

Dear Captain Taylor:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117148.

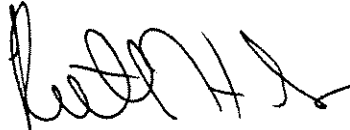
The City of Amarillo (the "city") received a request for a copy of a police incident report. You assert that the report is excepted from disclosure under section 552.108.

We first note that you must release to the requestor basic information concerning the incident and arrest. Section 552.108(c) provides that basic information about an a crime, an arrest, and the arrested person, is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an incident or arrest report, including a detailed description of the incident. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Although this information is generally found on the front page of a report, its location is not determinative and it must be released regardless of where it is located. *See* Open Records Decision No. 127 (1976) at 5.

You assert that section 552.108 protects the report from disclosure because there is a pending prosecution in this case. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. We agree that the remainder of the police report is protected from disclosure while there is a pending prosecution. Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 117148

Enclosures: Submitted documents

cc: Mr. Jimmy Ray Lucido  
1282 Calle Dos Cabezas  
Puelo West, Texas 81007  
(w/o enclosures)